



National Aeronautics and
Space Administration
Washington, DC 20546

Procurement Notice

PN 04-35
June 19, 2008

LEASING OR CHARTERING OF AIRCRAFT

PURPOSE: This PN revises subpart 1847.2 with regards to contracting officers' responsibilities when leasing or chartering aircraft. Specifically,

- Section 1847.200-70 has been revised to delete current content and replace with definitions relative to this subpart;
- Section 1847.200-71 has been added to address contracting officers' responsibilities when leasing and chartering aircraft; and
- Section 1847.207-10 remains unchanged.

BACKGROUND: This PN revises the NASA FAR Supplement (NFS) to reflect changes to subpart 1847.2 with regards to contracting officers' responsibilities when leasing or chartering aircraft. The current NFS language in section 1847.200-70 only deals with chartering aircraft and simply points the contracting officer to the very voluminous and complex NPR 7900.3, Aircraft Operations Management to obtain their responsibilities when leasing or chartering aircraft. Thus, many times, contracting officers do not realize that they must obtain Center Flight Operations office concurrence even for Unmanned Aerial Systems (UASs). This change will correct this issue by:

1. Including leasing of aircraft along with chartering of aircraft in NFS.
2. Referencing NPD 7900.4, Aircraft Operations Management along with the associated NPR.
3. Detailing the contracting officer's responsibility to obtain Center Flight Operations office concurrence before awarding a contract for the lease or charter of aircraft.
4. Including a definition of Unmanned Aerial Systems (UAS) to ensure contracting officers know that UASs are aircraft and that they must obtain Center Flight Operations office concurrence prior to award of contracts for UASs as well.

ACTION REQUIRED BY CONTRACTING OFFICERS: Contracting officers shall secure the approval of the Center Flight Operations Office before releasing any solicitation or awarding any contract for leasing or chartering of aircraft. It is not necessary to cancel or amend solicitations in process, if approval was not obtained prior to solicitation issuance, provided approval is secured prior to award.

CLAUSE CHANGES: Not Applicable.

PARTS AFFECTED: Part 1847.

REPLACEMENT PAGES: You may use the enclosed pages to replace Part 1847 of the NFS.

TYPE OF RULE AND PUBLICATION DATE: These changes do not have a significant effect beyond the internal operating procedures of NASA and do not have a significant cost or administrative impact on contractors or offerors, and therefore do not require codification in the Code of Federal Regulations (CFR) or publication for public comment.

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Enclosures

DISTRIBUTION LIST:
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PART 1847
TRANSPORTATION

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PART 1847
TRANSPORTATION

**Subpart 1847.2 --Contracts for Transportation or for
Transportation-Related Services**

1847.200 Scope of subpart.

1847.200-70 Definitions.

“**Chartered Aircraft**”, as defined by 41 C.F.R. 102-33, are aircraft that an executive agency hires commercially under a contractual agreement specifying performance and one-time exclusive use. The commercial source operates and maintains charter aircraft.

“**Leased Aircraft**”, as defined by 41 C.F.R. 102-33, are aircraft hired under a commercial contractual agreement in which an executive agency has exclusive use of the aircraft for an agreed-upon period of time. The acquiring executive agency operates and maintains the aircraft. Maintenance responsibility is defined in the contractual agreement.

“**Unmanned Aerial Systems (UAS)**” means a powered aerial vehicle that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted remotely. UASs range from micro vehicles measuring inches in size and ounces in weight to large aircraft weighing more than 30,000 pounds.

1847.200-71 Charter or Lease of Aircraft

Before releasing any solicitation or awarding any contract for the lease or charter of aircraft, manned aerial system or unmanned aerial system (UAS), contracting officers shall obtain concurrence from the Center Flight Operations office that the contemplated award complies with NASA aviation safety program requirements particularly NPD 7900.4, NASA Aircraft Operations Management, and NPR 7900.3, Aircraft Operations Management. If the Center does not have a Flight Operations office, concurrence from another Center's Flight Operations office is required and shall be coordinated by the Aircraft Management Division under the Assistant Administrator for the Office of Infrastructure and Administration in NASA Headquarters.

1847.207-10 Discrepancies incident to shipments.

NASA personnel shall also report discrepancies and adjust claims for loss of and damage to Government property in transit in accordance with NPR 6200.1, NASA Transportation and General Traffic Management.

Subpart 1847.3--Transportation in Supply Contracts

1847.304 Determination of delivery terms.

1847.304-3 Shipments from CONUS for overseas delivery.

1847.304-370 NASA export privilege.

NASA has export licensing privileges for moving commodities to foreign destinations. Contracting officers shall request the advice of the Center Export Administrator to ensure full and appropriate use is made of these privileges.

1847.305 Solicitation provisions, contract clauses, and transportation factors.

1847.305-10 Packing, marking, and consignment instructions.

In contracts providing for delivery f.o.b. origin and shipment under Government bills of lading, consignment instructions may be limited to the mail address of the consignee (receiving activity), provided the contract instructions state: "Shipment other than mail shall be consigned as indicated on the Government bill of lading furnished to the contractor."

1847.305-13 Transit arrangements.

(a)(3)(ii) When the provision at FAR 52.247-56 is used, the solicitation shall state that offers will be evaluated on the basis of the lowest overall cost to the Government, including transportation costs to NASA from point of origin to final destination, taking into account any applicable transit privileges.

1847.305-70 NASA contract clauses.

(a) The contracting officer may insert a clause substantially as stated at 1852.247-72, Advance Notice of Shipment, in solicitations and contracts when the f.o.b. point is destination and special Government assistance is required in the delivery or receipt of the items.

(b) The contracting officer shall insert a clause substantially as stated at 1852.247-73, Bills of Lading, in f.o.b. origin solicitations and contracts.

Subpart 1847.5--Ocean Transportation by U.S.-Flag Vessels

1847.506 Procedures.

(d)(i) The transportation officer in each installation shall establish and maintain a register to reflect adherence to the Cargo Preference Act. The register shall contain data related to shipments made by the installation and by NASA contractors. Where no transportation officer is available, it shall be maintained by the contracting office. The register shall contain pertinent details of ocean shipments including, but not limited to, the ports of origin and destination of shipments, commodity descriptions, gross weight, freight revenue, name of vessel, operator of vessel, and date of loading. The register shall be maintained current and organized so that adherence to the Cargo Preference Act can be ascertained at all times. To the maximum practicable extent, compliance with the 50-percent minimum requirements of the Cargo Preference Act shall be maintained on a quarter-year basis; any deficiencies in maintaining compliance shall be corrected by the end of the calendar year.

(ii) On the basis of the registers maintained under paragraph (d)(i) of this section, the official maintaining the register shall submit quarterly reports reflecting ocean shipments to the Division of National Cargo, Office of Market Development, Maritime Administration, Department of Transportation, Washington, DC, 20590. Negative reports are required when applicable.

Subpart 1847.70--Protection of the Florida Manatee

1847.7001 Contract clause.

The contracting officer shall insert the clause at 1852.247-71, Protection of the Florida Manatee, in solicitations and contracts when deliveries or vessel operations, dockside work, or disassembly functions under the contract will involve use of waterways inhabited by manatees. The clause shall also be included in applicable subcontracts (including vendor deliveries).